

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<b><u>NOTICE OF MOTION</u></b>
v.	:	07 Cr. 582 (CM)
ESMOND ELCOCK, JR, et al.,	:	
Defendants.	:	

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**PLEASE TAKE NOTICE**, that upon the annexed affirmations of Nadine Whittingham and Fiona Doherty, Esq., and the accompanying Memorandum of Law, the undersigned will move this Court, before the Honorable Colleen McMahon, United States District Judge for the Southern District of New York, at a time to be designated by the Court, for an order, pursuant to Rules 12 and 18 of the Federal Rules of Criminal Procedure, dismissing the third count of the indictment for improper venue in violation of the Sixth Amendment to the United States Constitution, and granting such other further relief as the Court deems just and proper.

Dated: New York, New York  
December 5, 2007

Respectfully submitted,

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Federal Defenders of New York  
Attorney for Defendant  
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**FIONA DOHERTY, ESQ.**  
Of Counsel

TO: **MICHAEL J. GARCIA, ESQ.**

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